

REMARKS/ARGUMENTS

The examiner has acknowledged that claims 2, 3, 6, 7, 9, 11, and 14 are directed to allowable subject matter and would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 1 and 10 have been amended to more accurately define the invention claimed. Claims 2, 3, 6, 11, and 14 have been rewritten in independent form including all of the limitations of the base claim and any intervening claims. The examiner has further allowed claims 15 through 30.

Schwartzman (US Patent No. 3,349,966) discloses a relatively complex two-part mixture package and applicator comprising a container with an opening and a retaining ring, which encloses a first substance, affixed within the retaining ring. The interior of the container, which contains a second substance, and the retaining ring is separated by a thin tautly stretched membrane. A valve assembly in the retaining ring is utilized to operate a plunger, which is integrally formed with the valve assembly with a spring in the valve assembly to urge it sway from the thin membrane, to pierce the thin membrane upon depression of the end of the valve assembly to permit the mixing of the substances.

Roehrich (US Patent No. 2,714,475) discloses a dispensing container for fluids comprising a container with a cap. A dispensing aperture with a unitary dispensing valve assembly is affixed at one end of the container. The unitary valve assembly has a valve body in the form of a small stud-like member which projects outwardly through the aperture and normally seats around the edges of the aperture but may be depressed or pressed inwardly so as to open the aperture and permit a fluid to flow outwardly therethrough. The valve body is

supported on a plurality of spring arms which are integrally connected to the valve body at their upper ends and to a ring-shaped base at their lower ends.

Applicant's invention is a multi-fluid applicator comprising a first elongated tubular housing with a sealed end and an open end with a fluid enclosed within the first elongated tubular housing. A second elongated tubular housing with a sealed end and an open end is inserted with its sealed end inside the open end of the first elongated tubular housing sealing the fluid within the first elongated tubular housing and with a liquid enclosed within the second elongated tubular housing. An opening means is located near the sealed end of the second elongated tubular housing and positioned within the first elongated tubular housing to allow the fluid in the first elongated tubular housing to commingle with the liquid in the second elongated tubular housing.

It is clear that applicant's invention is much simpler in construction than Schwartzman. Applicant's invention does not use any valve assembly, plunger, or spring, which are all essential elements for Schwartzman to operate. Furthermore, there is no membrane in applicant's invention that requires piercing by a plunger.

In addition, the embodiment of the applicant's invention in claim 10 has two separate opening means that operate independently of each other. Applicant's invention allows mixing of the fluids without releasing the mixture because the two separate opening means are operated independently of each other. The structure in Schwartzman necessitates that the piercing of the membrane by the plunger and the opening of the valve assembly be operated simultaneously since they are integrally formed as a single unit.

Application No.: 10/705,337
Amendment dated: June 3, 2005
Reply to Office Action of: March 11, 2005

Applicant hereby submits that the claim rejections under 35 U.S.C. §103 have all been overcome. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

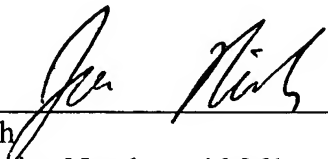


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